

**COUNTY OF SAN DIEGO, CALIFORNIA**  
**BOARD OF SUPERVISORS POLICY**

**Subject**

Allocation of County Penalty Assessment Funds

**Policy  
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B-69

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**Purpose**

To provide a review and evaluation process for responding to requests for funds from Penalty Assessment revenues pursuant to Government Code 76000 (Chapter 12).

**Background**

Government Code 76000 provides for the collection of additional surcharges on every fine, penalty or forfeiture. The Government Code establishes specific uses of these penalty assessments as follows:

76100 Courthouse Construction Fund: acquisition, rehabilitation, construction, and financing of courtrooms and related space. (Operation and maintenance activities are not eligible.)

76101 Criminal Justice Facilities Construction Fund: construction, reconstruction, expansion, improvement, operations, or maintenance of county criminal justice and court facilities and for improvement of criminal justice automated information systems.

76102 County Automated Fingerprint Identification Fund: purchase, lease, operation and maintenance of automated fingerprint equipment compatible with CAL ID system.

76103 Forensic Laboratory Fund: construction, expansion, improvement, operation or maintenance of forensic lab facilities.

76104 County Emergency Medical Services Fund: supporting emergency medical services pursuant to Chapter 2.5 of the Health and Safety Code.

Interest earned by the forensic lab and emergency medical services accounts will be deposited in those accounts as authorized by the statute.

**Policy**

It is the policy of the Board of Supervisors that the Chief Administrative Officer will make annual recommendations for the allocation of Penalty Assessment revenues in accordance with the allocation process described below. It is the intent of the Board of Supervisors to retain as much flexibility as permitted by law in the allocation of revenues and interest to each Trust Fund.

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Allocation Process

It is the intent of the Board of Supervisors to establish an orderly process for prioritizing projects proposed for funding from Penalty Assessment revenues.

Project Criteria: New project priorities shall be established in order of the following criteria:

1. Capital project debt service, rents and lease payments have the highest priority.
2. Public or employee health/safety is threatened by existing or imminent conditions.
3. The County can expect to face serious financial harm (i.e. property damage, litigation, loss of revenue, code violation, contractual obligation, legislative action, etc.) if the request is not implemented in the current fiscal year.
4. The project can clearly demonstrate greater operational efficiency or effectiveness.

Funding requests shall be considered during the annual capital improvement and major maintenance needs assessment process as described in Board of Supervisors Policy G-16. County departments requesting funding for capital projects or major maintenance shall submit these requests to the Department of General Services for review and evaluation by the Facilities Planning Board. This will allow for a more comprehensive and Countywide planning effort.

County departments proposing automated information system projects shall submit their funding requests first to the Chief Technology Office for review, evaluation and cost estimates. Requests should identify other potentially available revenue sources and indicate why Penalty Assessment revenue is the best alternative.

Revenue Estimates: The Auditor will project the estimated revenues from penalty assessments each year and will advise the CAO of the dollar amounts that are available in each of the five major accounts established pursuant to the Government Codes 76000 - 76104.

Interest earnings for the Forensic Lab and Emergency Medical Services Funds will be posted to that fund by the Auditor.

Any project savings from completed projects or cancellations will be reviewed by the Chief Administrative Officer for reallocation. Projects not completed will be carried over to the new fiscal year.

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Sunset Date

This policy will be reviewed for continuance by 12-31-11.

Board Action

10/6/92 (3)

09/27/05 (1)

CAO Reference

1. DCAO Public Safety Group

2. Auditor

3. General Services